

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GENCO IMPORTING INC., d/b/a MANITOBA'S,

Plaintiff,

- against -

CITY OF NEW YORK, EMILY LLOYD, in her capacity as Commissioner of the New York City Department of Environmental Protection and as Chairman of the New York City Environmental Control Board, NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION, NEW YORK CITY ENVIRONMENTAL CONTROL BOARD,

**NOTICE OF MOTION  
TO DISMISS**

07 CV 3560 (LAK)

(ECF Case)

Defendants.

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**PLEASE TAKE NOTICE** that upon the annexed Declaration of Michelle Goldberg-Cahn, dated June 21, 2007 and Defendants' Memorandum of Law in Support of their Motion to Dismiss, dated June 21, 2007, and upon the complaint and all prior proceedings herein, the undersigned will move this Court before the Honorable Lewis A. Kaplan at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York New York, as soon as counsel can be heard, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint together with such other and further relief as the Court deems just, fair and equitable.

**PLEASE TAKE FURTHER NOTICE**, that in accordance with S.D.N.Y. Civil Rule 6.1(b), opposition papers must be served on the undersigned within ten (10) days after service of this motion. Failure to do so will result in this motion being granted as unopposed.

Dated:        New York, New York  
                June 21, 2007

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By:

  
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Michelle Goldberg-Cahn (MG 4490)  
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To:

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